

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CECIL DUDGEON,

Plaintiff,

v.

KELLY CUNNINGHAM, CAREY
STURGEON, MELISSA SOHLSTROM, and
JOSEPH MITROVICH,

Defendants.

No. C10-5372 RBL/KLS

ORDER GRANTING EXTENSION OF
TIME TO RESPOND TO REQUEST FOR
ADMISSIONS

Before the court is Defendants' Motion for Extension of Time for Defendant Sturgeon to Respond to Plaintiff's Request for Admissions. ECF No. 28. Plaintiff objects to the extension. ECF No. 30. Having reviewed the motion, objection, and balance of the record, the court finds that the requested extension is reasonable and should be granted.

BACKGROUND

Defense counsel received Plaintiff's "First Request For Admissions To Defendant Carey Sturgeon" on September 10, 2010. ECF No. 29, ¶ 2. Prior to receiving Mr. Dudgeon's request for admissions, Defendant Sturgeon announced her resignation as SCC clinical director and that her last day of employment would be September 17, 2010. Dr. Sturgeon was unable to work on or complete the request for admissions in the one week prior to her resignation as she was

1 attending depositions, completing Mr. Dudgeon's request for interrogatories and production, and
2 wrapping up her work as clinical director. *Id.*, ¶ 4. Dr. Sturgeon is now out of the country for
3 approximately one month on vacation and exploring possible relocation. *Id.*, ¶ 5. Counsel does
4 not have Dr. Sturgeon's contact information while she is away. *Id.*

5 Counsel contacted Mr. Dudgeon to seek an agreed extension of the time to respond.¹ Mr.
6 Dudgeon did not agree to extend the deadline. *Id.* ¶ 7. Mr. Dudgeon argues that Defendant
7 Sturgeon had sufficient time to respond to the requests between September 11 and 17 because
8 the 14 requests required simple, straight forward responses, and she could have postponed her
9 vacation. ECF No. 30, pp. 1-2.

11 Defendant Sturgeon's present deadline to respond to the request for admissions is
12 October 11, 2010. ECF No. 28, ¶ 8. The discovery deadline is January 28, 2011. ECF No. 18.

14 DISCUSSION

15 Pursuant to Fed. R. Civ. P. 36(a)(3), a matter is deemed admitted unless, within 30 days
16 after being served, the party to whom the request is directed serves on the requesting party a
17 written answer or objection addressed to the matter and signed by the party or its attorney.
18 However, "a shorter or longer time for responding may be stipulated to under Rule 29 or be
19 ordered by the court." In addition, pursuant to Fed. R. Civ. P. 6(b)(1), the court may, for good
20 cause, extend a deadline.

21 In this case, the parties are unable to stipulate to the length of time for responding to the
22 request for admissions. However, the court finds good cause exists for extension of the deadline
23 as Dr. Sturgeon is no longer employed by the State of Washington, is out of the country and will
24 be unable to respond to Mr. Dudgeon's request within the required thirty days. Defendants will
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26 ¹ The other defendants, Cunningham, Green, and Mitrovich, do not seek an extension of the deadline to respond to Mr. Dudgeon's request for admissions. ECF No. 29, ¶ 6.

1 be highly prejudiced without the extension. On the other hand, the requested extension will not
2 unduly delay Defendant Sturgeon's response and the new response date is still well within the
3 discovery deadline. The court also notes that the remaining defendants are not seeking an
4 extension of the deadline. Therefore, Mr. Dudgeon will suffer no prejudice.

5 Accordingly, it is **ORDERED**:

6 (1) Defendants' Motion for Extension of Time for Defendant Sturgeon to Respond to
7 Plaintiff's Request for Admissions (ECF No. 28) is **GRANTED**.

8 (2) The deadline for Dr. Sturgeon to respond to Plaintiff's request for admissions is
9 **November 22, 2010**.

10 (3) The Clerk of the Court shall send a copy of this Order to Plaintiff and to counsel
11 for Defendants.
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15 DATED this 13th day of October, 2010.

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17 Karen L. Strombom
18 United States Magistrate Judge
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